

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

MAR 12 2011

for the
Southern District of Texas

David J. Bradley, Clerk of Court

United States of America)

v.)

Case No. C-11-330M

Matthew Anthony ZAVALA)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/11/2011 in the county of Brooks in the Southern District of
Texas, the defendant violated 21 U. S. C. § 841(a)(1)
, an offense described as follows:Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule I of the
Controlled Substance Act of 1970, to wit: 12.45 kilograms (approximate gross weight) of marijuana.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.
Complainant's signature

Charles L. Bartels Jr., TFO

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 12, 2011
Judge's signature

City and state:

Corpus Christi, Texas

B. Janice Ellington, US Magistrate Judge

Printed name and title

Attachment "A"

On March 11, 2011, Border Patrol Agent (BPA) Juan R. Pena, was assigned to work the primary immigration inspection point at the United States Border Patrol Checkpoint, located 13 miles south of Falfurrias, Texas. Assisting at the primary point was K-9 BPA Oscar Ortiz with Service Canine Peppie.

At approximately 3:00 p.m., a blue 1999 GMC Sierra approached BPA Pena's position for an immigration inspection of the vehicle occupants. As the vehicle approached BPA Pena's position BPA Pena noticed the driver later identified as ZAVALA, Matthew Anthony's eyes enlarged while ZAVALA kept track of Agent Ortiz and K-9 Peppie through the side view mirror. ZAVALA had a death grip on the steering wheel presenting white knuckles as ZAVALA arrived to BPA Pena's position. BPA Pena asked if ZAVALA was a United States citizen. ZAVALA claimed to be a United States citizen. While BPA Pena was conducting the immigration inspection, Agent Ortiz and Peppie were performing a non-intrusive free air sniff of the vehicle. Agent Ortiz advised BPA Pena that Peppie was alerting to the vehicle. Agent Ortiz then signaled to BPA Pena to place the vehicle in the secondary lane of inspection for a search.

BPA Pena continued a conversation with ZAVALA. BPA Pena questioned ZAVALA as to ZAVALA'S destination. ZAVALA was heading to Premont, Texas. BPA Pena then asked where ZAVALA was traveling from and ZAVALA said Edinburg, Texas. BPA Pena asked ZAVALA for consent to search the vehicle. ZAVALA agreed by stating "Yes". BPA Pena then instructed ZAVALA to park in the secondary lane of inspection for a search of the vehicle.

In the secondary inspection area, ZAVALA was asked to exit the vehicle. Agent Ortiz and Peppie performed a systematic search of the vehicle. Agent Ortiz stated that Peppie was alerting to the rear part of the truck's front fender. Border Patrol Agent David Garza then removed the bolts and clamps to remove the windshield cowl cover, revealing several bundles wrapped in black plastic in the windshield wiper motor compartment. Agent Garza then pried the bundles from the motor compartment of the vehicle using hands with no gloves. Agent Ortiz then cut open one of the bundles and revealed marijuana. A total of twelve bundles weighing an approximate gross weight of 27.40 lbs (12.45 Kilograms) were removed from the compartment.

ZAVALA was then placed under arrest and escorted inside the United States Border Patrol Checkpoint. BPA Pena then read ZAVALA the Miranda Rights in the English language, the language of ZAVALA'S choice. ZAVALA signed the rights form accordingly indicating that ZAVALA understood the rights. BPA Wayne White witnessed the reading and signing of the rights.

ZAVALA was asked if ZAVALA wished to make a statement and ZAVALA stated the following:

ZAVALA said he traveled down to Edinburg, Texas to deliver a pit bull to a buyer at the Love's truck stop in Edinburg, Texas. ZAVALA said he ate lunch and deliver the pit bull. BPA Pena asked if the vehicle was always in ZAVALA'S possession. ZAVALA then stated yes the vehicle has only been in his possession. BPA Pena then asked if ZAVALA knew anything about the marijuana in the vehicle. ZAVALA claimed to not know anything about what was in the vehicle. BPA Pena then concluded my questioning.

On 03-11-11, TFO Charles Bartels and SA Mike Stewart arrived at the Falfurrias, TX BPCP in response to a duty call. TFO Bartels took custody of Matthew ZAVALA and evidence in this case. TFO Bartels advised ZAVALA of the Miranda Rights Warning. ZAVALA indicated he (ZAVALA) understood the Rights and signed the Miranda form. ZAVALA agreed to talk to investigators without an attorney present. ZAVALA told TFO Bartels and SA Stewart that he (ZAVALA) was not working and needed money to take care of his child and girlfriend. ZAVALA said a friend solicited ZAVALA to transport 23.5 pounds of marijuana from the Love's Truck Stop in Edinburg, Texas to Premont, Texas. ZAVALA was to be paid \$50.00 per pound for the transport. ZAVALA said this was the first time ZAVALA has transported marijuana.

TFO Bartels contacted AUSA Lance Duke who agreed to the prosecution of Matthew ZAVALA. The amount of drug seized infers the intent to distribute.

ZAVALA was transported to Coastal Bend Detention Center for overnight detention. The evidence in this case was transported to DEA storage facilities in Corpus Christi, Texas.